



2161  
2  
BT  
7-8-02

PATENT  
Attorney Docket No. 046700-5055  
Page 1 of 7

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Starr et al. )  
Application No.: 10/045,503 ) Group Art Unit: 2161  
Filed: November 7, 2001 ) Examiner: Unassigned  
For: METHOD FOR SELECTING AN )  
OPTIMAL BALANCE BETWEEN )  
DIRECT COST AND A NUMBER OF )  
SUPPLIERS )

RECEIVED  
JUL 05 2002

GROUP 3600

**INFORMATION DISCLOSURE STATEMENT  
PURSUANT TO 37 C.F.R. §§ 1.56 ET SEQ.**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Dear Sir:

In accordance with 37 C.F.R. § 1.97(b), the above-identified Applicants cite the following patents and publications, which may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 C.F.R. § 1.56. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits.

**CERTIFICATE OF MAILING (37 C.F.R. § 1.8)**

I hereby certify that this paper, and the papers and/or fees referred to herein as transmitted, submitted or enclosed, are being deposited on the date shown below with the U.S. Postal Service with sufficient postage as first-class mail in an envelope addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Name Kim R. Jessum Signature Kim R. Jessum Date of Deposit Jun 26, 2002

In compliance with 37 C.F.R. § 1.98(a), copies of the patents and publications set forth below and listed on the attached Form PTO-1449 (3 sheets) are provided.

U.S. Patents

| <u>Patent No.</u> | <u>Issue Date</u> | <u>Patentee</u>     |
|-------------------|-------------------|---------------------|
| 3,581,072         | 5/25/71           | Nymeyer             |
| 3,863,060         | 1/28/75           | Rode, et al.        |
| 4,597,045         | 6/24/86           | Kiuchi              |
| 4,674,044         | 6/16/87           | Kalmus, et al.      |
| 4,789,928         | 12/6/88           | Fujisaki            |
| 4,799,156         | 1/17/89           | Shavit, et al.      |
| 4,845,625         | 7/4/89            | Stannard            |
| 4,992,940         | 2/12/91           | Dworkin             |
| 5,136,501         | 8/4/92            | Silverman, et al.   |
| 5,193,056         | 3/9/93            | Boes                |
| 5,243,515         | 9/7/93            | Lee                 |
| 5,297,032         | 3/22/94           | Trojan, et al.      |
| 5,375,055         | 12/20/94          | Togher, et al.      |
| 5,394,324         | 2/28/95           | Clearwater          |
| 5,402,336         | 3/28/95           | Spiegelhoff, et al. |
| 5,606,602         | 2/25/97           | Johnson, et al.     |
| 5,629,982         | 5/13/97           | Micali              |
| 5,640,569         | 6/17/97           | Miller, et al.      |
| 5,664,115         | 9/2/97            | Fraser              |

|           |          |                 |
|-----------|----------|-----------------|
| 5,684,963 | 11/4/97  | Clement         |
| 5,689,652 | 11/18/97 | Lupien, et al.  |
| 5,715,402 | 2/3/98   | Popolo          |
| 5,727,165 | 3/10/98  | Ordish, et al.  |
| 5,758,327 | 5/26/98  | Gardner, et al. |
| 5,758,328 | 5/26/98  | Giovannoli      |
| 5,765,138 | 6/9/98   | Aycock, et al.  |
| 5,774,873 | 6/30/98  | Berent, et al.  |
| 5,794,207 | 8/11/98  | Walker, et al.  |
| 5,794,219 | 8/11/98  | Brown           |
| 5,797,127 | 8/18/98  | Walker, et al.  |
| 5,799,151 | 8/25/98  | Hoffer          |
| 5,799,285 | 8/25/98  | Klingman        |
| 5,802,502 | 9/1/98   | Gell, et al.    |
| 5,803,500 | 9/8/98   | Mossberg        |
| 5,809,483 | 9/15/98  | Broka, et al.   |
| 5,826,244 | 10/20/98 | Huberman        |
| 5,832,496 | 11/03/98 | Anand, et al.   |
| 5,835,896 | 11/10/98 | Fisher, et al.  |
| 5,862,223 | 1/19/99  | Walker, et al.  |
| 5,890,138 | 3/30/99  | Godin, et al.   |
| 5,897,621 | 4/27/99  | Boesch, et al.  |
| 5,905,974 | 5/18/99  | Fraser, et al.  |
| 5,905,975 | 5/18/99  | Ausubel         |

|           |          |                    |
|-----------|----------|--------------------|
| 5,915,209 | 6/22/99  | Lawrence           |
| 5,966,699 | 10/12/99 | Zandi              |
| 6,014,627 | 1/11/00  | Togher, et al.     |
| 6,021,398 | 2/1/00   | Ausubel            |
| 6,023,685 | 2/8/00   | Brett, et al.      |
| 6,044,363 | 3/28/00  | Mori, et al.       |
| 6,055,518 | 4/25/00  | Franklin, et al.   |
| 6,058,379 | 5/2/00   | Odom, et al.       |
| 6,061,663 | 5/9/00   | Bloom, et al.      |
| 6,078,906 | 6/20/00  | Huberman           |
| 6,119,229 | 9/12/00  | Martinez, et al.   |
| 6,151,589 | 11/21/00 | Aggarwal, et al.   |
| 6,161,099 | 12/12/00 | Harrington, et al. |
| 6,199,050 | 3/6/01   | Alaia, et al.      |
| 6,266,652 | 07/24/01 | Godin, et al.      |
| 6,366,891 | 4/2/2002 | Feinberg           |

Foreign Patents

| <u>Publication No.</u> | <u>Publication Date</u> | <u>Country</u> |
|------------------------|-------------------------|----------------|
| 0399850A               | 11/28/90                | EP             |
| WO 92/15174            | 9/3/92                  | WIPO           |
| WO 97/37315            | 10/9/97                 | WIPO           |
| WO 98/34187            | 8/6/98                  | WIPO           |
| WO 99/63461            | 12/9/99                 | WIPO           |

|            |      |    |
|------------|------|----|
| 409101994A | 4/97 | JP |
| 410078992A | 3/98 | JP |

Other Publications

Andrews, "Auctions Catch the Interest of Hobbyists and Big Business", August 24, 1998

Associated Press, "Auction on Web is Buyer's Market", April 6, 1998

"BroadVision Developing First Interactive Commerce Management System To Support Online Sales & Marketing Process; New Software Category Necessary to Interactive Network Architecture", Business Wire, p5150152, May 15, 1995

Danny Cohen, "Computerized Commerce", Information Processing 89, August 28-September 1, 1989

"FairMarket Launches New Self-Serve Auctions", Business Wire, p6161495, June 16, 1998

Jahnke, "How Bazaar", CIO Web Business Magazine, August 27, 1998

Jean-Pierre Banatre, et al., "The Design and Building of Enchere, a Distributed Electronic Marketing System" Communications of the ACM, No. 1, January 29, 1986

Lee, "Do electronic marketplaces lower the price of goods?", Communications of the PCM, v41n1 pp 73-80, January 1998

Malone, et al., "The Logic of Electronic Markets", Harvard Business Review, No. 893II, May-June 1989

"Moai Technologies Introduces New categories of Business to Business Auction Software...", Business Editors and Computer Writers, March 16, 1998

Kikuchi, et al., "Multi-Round Anonymous Auction Protocols", IEICE Trans. Inf. & Syst., vol.E82-D, No.4, April 1999

"Online bidding software", Electronic Buyers' News, Issue 1072, p86, 1/6p, August 25, 1997

Sairamesh, et al., "Economic Framework for Pricing and Charging Digital Libraries", D-Lip Magazine, February 1996

"Sold!... To the Lowest Bidder", Computer Finance, v6, n2, July 1995

"Venture Capitalists Fund Two Massachusetts Internet Related Companies", Boston Globe, January 14, 1998

Vigoroso, "Buyers prepare for brave new world of e-commerce", Purchasing, v126, n6, pS4(1), April 22, 1999

Von der Fehr, et al., "Predatory bidding in sequential auctions", Oxford Economics Papers, v46, n3, p345(12), July 1994

"What you need to know to bid in FCC's narrowband auction", Washington Telecom News, v2, n26, p6(2), June 27, 1994

Wilder, "What's Your Bid? – FreeMarkets' real-time online bidding technology lets clients drive downcosts and improve product value", InformationWeek, November 10, 1997

Woolley, "E-muscle", Forbes, March 9, 1998

Applicant respectfully requests that these items be considered by the Examiner, and that the Examiner acknowledge consideration of these references by initialing and returning copies of the enclosed Form PTO-1449 (3 sheets) with the next official action.

While this Information Disclosure Statement may be "material" pursuant to 37 C.F.R. §1.56, it is not intended to constitute an admission that any patent, publication or other information referred to herein is "prior art" for this invention or otherwise material to the patentability of this invention as defined in 37 C.F.R. § 1.56.

In accordance with 37 C.F.R. § 1.97(g), the filing of this Information Disclosure Statement shall not be construed as a representation that a search has been made or that no other material information as defined in 37 C.F.R. § 1.56(b) exists.

**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

June 26, 2002  
Date

By: 

Kim R. Jessum  
Reg. No. 43,694  
Customer No. 028977  
MORGAN, LEWIS & BOCKIUS, LLP  
1701 Market Street  
Philadelphia, PA 19103-2921  
Telephone: (215) 963-4753  
Facsimile: (215) 963-5299

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**  
(use as many sheets as necessary)

Sheet 1 of 1 of 2002

| Completeness Known   |                                    |
|----------------------|------------------------------------|
| Application Number   | 10/045,363                         |
| Filing Date          | November 7, 2001                   |
| First Named Inventor | Starr et al.                       |
| Group Art Unit       | 2161                               |
| Examiner Name        | Unassigned                         |
| Sheet 1 of 1 of 2002 | Attorney Docket Number 046700-5055 |

| U.S. PATENT DOCUMENTS |                             |   |  |
|-----------------------|-----------------------------|---|--|
| Exr Initials          | U.S. Patent Document Number | Name of Inventor or Applicant of Cited Document | Date of Publication of Cited Document MM-DD-YYYY |
|                       | Number                      | Kind Code (if known)                            |  |
|                       | 3,581,072                   | Nymeyer   | 5/25/71  |
|                       | 3,863,060                   | Rode, et al.                                    | 1/28/75  |
|                       | 4,597,045                   | Kiuchi  | 6/24/86  |
|                       | 4,674,044                   | Kalmus, et al.                                  | 6/16/87  |
|                       | 4,789,928                   | Fujisaki  | 12/6/88  |
|                       | 4,799,156                   | Shavit, et al.                                  | 1/17/89  |
|                       | 4,845,625                   | Stannard  | 7/4/89   |
|                       | 4,992,940                   | Dworkin   | 2/12/91  |
|                       | 5,136,501                   | Silverman, et al.                               | 8/4/92   |
|                       | 5,193,056                   | Boes  | 3/9/93   |
|                       | 5,243,515                   | Lee   | 9/7/93   |
|                       | 5,297,032                   | Trojan, et al.                                  | 3/22/94  |
|                       | 5,375,055                   | Togher, et al.                                  | 12/20/94   |
|                       | 5,394,324                   | Clearwater                                      | 2/28/95  |
|                       | 5,402,336                   | Spiegelhoff, et al.                             | 3/28/95  |
|                       | 5,606,602                   | Johnson, et al.                                 | 2/25/97  |
|                       | 5,629,982                   | Micali  | 5/13/97  |
|                       | 5,640,569                   | Miller, et al.                                  | 6/17/97  |
|                       | 5,664,115                   | Fraser  | 9/2/97   |
|                       | 5,684,963                   | Clement   | 11/4/97  |
|                       | 5,689,652                   | Lupien, et al.                                  | 11/18/97   |
|                       | 5,715,402                   | Popolo  | 2/3/98   |
|                       | 5,727,165                   | Ordish, et al.                                  | 3/10/98  |
|                       | 5,758,327                   | Gardner, et al.                                 | 5/26/98  |
|                       | 5,758,328                   | Giovannoli                                      | 5/26/98  |
|                       | 5,765,138                   | Aycock, et al.                                  | 6/9/98   |
|                       | 5,774,873                   | Berent, et al.                                  | 6/30/98  |
|                       | 5,794,207                   | Walker, et al.                                  | 8/11/98  |
|                       | 5,794,219                   | Brown   | 8/11/98  |
|                       | 5,797,127                   | Walker, et al.                                  | 8/18/98  |
|                       | 5,799,151                   | Hoffer  | 8/25/98  |
|                       | 5,799,285                   | Klingman  | 8/25/98  |
|                       | 5,802,502                   | Gell, et al.                                    | 9/1/98   |
|                       | 5,803,500                   | Mossberg  | 9/8/98   |
|                       | 5,809,483                   | Broka, et al.                                   | 9/15/98  |
|                       | 5,826,244                   | Huberman  | 10/20/98   |
|                       | 5,832,496                   | Anand, et al.                                   | 11/03/98   |
|                       | 5,835,896                   | Fisher, et al.                                  | 11/10/98   |
|                       | 5,862,223                   | Walker, et al.                                  | 1/19/99  |

|                    |                 |
|--------------------|-----------------|
| Examiner Signature | Date Considered |
|--------------------|-----------------|

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**  
 (use as many sheets as necessary)

Sheet

2

JUL 01 2002  
34

| Comple  Known |                  |
|---|------------------|
| Application Number  | 10/045,633       |
| Filing Date   | November 7, 2001 |
| First Named Inventor  | Starr et al.     |
| Group Art Unit  | 2161             |
| Examiner Name   | Unassigned       |
| Attorney Docket Number  | 046700-5055      |

|           |                    |          |
|-----------|--------------------|----------|
| 5,897,621 | Godin, et al.      | 3/30/99  |
| 5,905,974 | Boesch, et al.     | 4/27/99  |
| 5,905,975 | Fraser, et al.     | 5/18/99  |
| 5,915,209 | Ausubel            | 5/18/99  |
| 5,966,699 | Lawrence           | 6/22/99  |
| 6,014,627 | Zandi              | 10/12/99 |
| 6,021,398 | Togher, et al.     | 1/11/00  |
| 6,023,685 | Ausubel            | 2/1/00   |
| 6,044,363 | Brett, et al.      | 2/8/00   |
| 6,055,518 | Mori, et al.       | 3/28/00  |
| 6,058,379 | Franklin, et al.   | 4/25/00  |
| 6,061,663 | Odom, et al.       | 5/2/00   |
| 6,078,906 | Bloom, et al.      | 5/9/00   |
| 6,119,229 | Huberman           | 6/20/00  |
| 6,151,589 | Martinez, et al.   | 9/12/00  |
| 6,161,099 | Aggarwal, et al.   | 11/21/00 |
| 6,199,050 | Harrington, et al. | 12/12/00 |
| 6,266,652 | Alaia, et al.      | 3/6/01   |
| 6,366,891 | Godin, et al.      | 07/24/01 |
|           | Feinberg           | 4/2/2002 |

## FOREIGN PATENT DOCUMENTS

| Exr Initials | Foreign Patent Document |             |                      | Date of Publication of Cited Document MM-DD-YYYY | T <sub>1</sub> |
|--------------|-------------------------|-------------|----------------------|--|----------------|
|              | Country Code            | Number      | Kind Code (if known) |  |                |
|              | EP                      | 0399850A    |                      | 11/28/90   |                |
|              | WIPO                    | WO 92/15174 |                      | 9/3/92   |                |
|              | WIPO                    | WO 97/37315 |                      | 10/9/97  |                |
|              | WIPO                    | WO 98/34187 |                      | 8/6/98   |                |
|              | WIPO                    | WO 99/63461 |                      | 12/9/99  |                |
|              | JP                      | 409101994A  |                      | 4/97   |                |
|              | JP                      | 410078992A  |                      | 3/98   |                |

## OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

|              |   |                |
|--------------|---|----------------|
| Exr Initials | Include Name of Author (in CAPITAL LETTERS), title of the article (where appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published | T <sub>1</sub> |
|              | Andrews, "Auctions Catch the Interest of Hobbyists and Big Business", August 24, 1998   |                |
|              | Associated Press, "Auction on Web is Buyer's Market", April 6, 1998   |                |
|              | "BroadVision Developing First Interactive Commerce Management System To Support Online Sales & Marketing Process; New Software Category Necessary to Interactive Network Architecture", Business Wire, p5150152, May 15, 1995                               |                |

|                    |  |                 |
|--------------------|--|-----------------|
| Examiner Signature |  | Date Considered |
|--------------------|--|-----------------|

|  |   |    |   |
|--|---|----|---|
| Substitute for form 1449A/PTO                            |   |    |   |
| <b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b> |   |    |   |
| (use as many sheets as necessary)                        |   |    |   |
| Sheet  | 3 | of | 3 |

|                               |  |                       |
|-------------------------------|--|-----------------------|
| <i>P-5</i>                    |  | <b>Complete Known</b> |
| <b>Application Number</b>     |  | 10/045,303            |
| <b>Filing Date</b>            |  | November 7, 2001      |
| <b>First Named Inventor</b>   |  | Starr et al.          |
| <b>Group Art Unit</b>         |  | 2161                  |
| <b>Examiner Name</b>          |  | Unassigned            |
| <b>Attorney Docket Number</b> |  | 046700-5055           |

JUL 01 2002

|    |  |
|----|--|
|    |  |
|    | Danny Cohen, "Computerized Commerce", Information Processing 89, August 28-September 1, 1989   |
|    | "FairMarket Launches New Self-Serve Auctions", Business Wire, p6161495, June 16, 1998  |
|    | Jahnke, "How Bazaar", CIO Web Business Magazine, August 27, 1998   |
|    | Jean-Pierre Banatre, et al., "The Design and Building of Enchere, a Distributed Electronic Marketing System" Communications of the ACM, No. 1, January 29, 1986          |
|    | Lee, "Do electronic marketplaces lower the price of goods?", Communications of the PCM, v41n1 pp 73-80, January 1998   |
| 1  | Malone, et al., "The Logic of Electronic Markets", Harvard Business Review, No. 893II, May-June 1989   |
| 2  | "Moai Technologies Introduces New categories of Business to Business Auction Software...", Business Editors and Computer Writers, March 16, 1998                         |
| 3  | Kikuchi, et al., "Multi-Round Anonymous Auction Protocols", IEICE Trans. Inf. & Syst., vol.E82-D, No.4, April 1999   |
| 4  | "Online bidding software", Electronic Buyers' News, Issue 1072, p86, 1/6p, August 25, 1997   |
| 5  | Sairamesh, et al., "Economic Framework for Pricing and Charging Digital Libraries", Dip Magazine, February 1996  |
| 6  | "Sold!...To the Lowest Bidder", Computer Finance, v6, n2, July 1995  |
| 7  | "Venture Capitalists Fund Two Massachusetts Internet Related Companies", Boston Globe, January 14, 1998  |
| 8  | Vigoroso, "Buyers prepare for brave new world of e-commerce", Purchasing, v126, n6, pS4(1), April 22, 1999   |
| 9  | Von der Fehr, et al., "Predatory bidding in sequential auctions", Oxford Economics Papers, v46, n3, p345(12), July 1994  |
| 10 | "What you need to know to bid in FCC's narrowband auction", Washington Telecom News, v2, n26, p6(2), June 27, 1994   |
| 11 | Wilder, "What's Your Bid? - FreeMarkets' real-time online bidding technology lets clients drive downcosts and improve product value", InformationWeek, November 10, 1997 |
| 12 | Woolley, "E-muscle", Forbes, March 9, 1998   |

RECEIVED

JUL 05 2002

GROUP 3600

|                       |  |                    |
|-----------------------|--|--------------------|
| Examiner<br>Signature |  | Date<br>Considered |
|-----------------------|--|--------------------|